

IC 4-35-11

Chapter 11. Minority and Women's Business Participation

IC 4-35-11-1

Application of chapter

Sec. 1. This chapter applies to persons holding a permit to operate a racetrack under IC 4-31-5 at which slot machines are licensed under this article.

As added by P.L.233-2007, SEC.21.

IC 4-35-11-2

Legislative declaration

Sec. 2. The general assembly declares that it is essential for minority and women's business enterprises to have the opportunity for full participation in the racetrack industry if minority and women's business enterprises are to obtain social and economic parity and if the economies of the cities, towns, and counties in which slot machines are operated at racetracks are to be stimulated as contemplated by this article.

As added by P.L.233-2007, SEC.21.

IC 4-35-11-3

"Minority"

Sec. 3. As used in this chapter, "minority" means a person who is one (1) of the following:

- (1) Black.
- (2) Hispanic.
- (3) Asian American.
- (4) Native American or Alaskan native.

As added by P.L.233-2007, SEC.21.

IC 4-35-11-4

"Minority business enterprise"

Sec. 4. As used in this chapter, "minority business enterprise" means a business that is one (1) of the following:

- (1) A sole proprietorship owned and controlled by a minority.
- (2) A partnership or joint venture owned and controlled by minorities and in which:
 - (A) at least fifty-one percent (51%) of the ownership interest is held by at least one (1) minority; and
 - (B) the management and daily business operations are controlled by at least one (1) minority who also holds an ownership interest.
- (3) A corporation or other entity in which:
 - (A) at least fifty-one percent (51%) of:
 - (i) the ownership interest; or
 - (ii) the stock, if stock is issued;is held by at least one (1) minority; and
 - (B) the management and daily business operations are controlled by at least one (1) minority who also holds an

ownership interest or stock.
As added by P.L.233-2007, SEC.21.

IC 4-35-11-5

"Women's business enterprise"

Sec. 5. As used in this chapter, "women's business enterprise" means a business that is one (1) of the following:

- (1) A sole proprietorship owned and controlled by a woman.
- (2) A partnership or joint venture owned and controlled by women and in which:
 - (A) at least fifty-one percent (51%) of the ownership interest is held by at least one (1) woman; and
 - (B) the management and daily business operations are controlled by at least one (1) woman who also holds an ownership interest.
- (3) A corporation or other entity in which:
 - (A) at least fifty-one percent (51%) of:
 - (i) the ownership interest; or
 - (ii) the stock, if stock is issued;is held by at least one (1) woman; and
 - (B) the management and daily business operations are controlled by at least one (1) woman who also holds an ownership interest or stock.

As added by P.L.233-2007, SEC.21.

IC 4-35-11-6

Goods and services; contracts awarded to minority and women's business enterprises

Sec. 6. (a) As used in this section, "goods and services" does not include the following:

- (1) Utilities and taxes.
- (2) Financing costs, mortgages, loans, or other debt.
- (3) Medical insurance.
- (4) Fees and payments to a parent or an affiliated company of a permit holder or other fees and payments for goods and services supplied by nonaffiliated persons through an affiliated company for the use or benefit of the permit holder.
- (5) Rents paid for real property or payments constituting the price of an interest in real property as a result of a real estate transaction.

(b) Notwithstanding any law or rule to the contrary, the commission shall establish goals for permit holders concerning contracts for goods and services with minority business enterprises and women's business enterprises. The goals under this subsection must be equal to goals set by the commission under IC 4-33-14-5 for contracts awarded for goods or services.

(c) A permit holder shall submit quarterly reports to the commission that outline the total dollar value of contracts awarded for goods and services and the percentage of contracts awarded to minority and women's business enterprises.

(d) A permit holder shall make a good faith effort to meet the requirements of this section and shall quarterly, unless otherwise directed by the commission, demonstrate to the commission at a public meeting that an effort was made to meet the requirements.

(e) A permit holder may fulfill not more than seventy percent (70%) of an obligation under this chapter by requiring a vendor to set aside a part of a contract for minority or women's business enterprises. Upon request, the permit holder shall provide the commission with proof of the amount of the set aside.

As added by P.L.233-2007, SEC.21.

IC 4-35-11-7

Enforcement

Sec. 7. If the commission determines that the provisions of this chapter relating to expenditures and assignments to minority and women's business enterprises have not been met, the commission may suspend, limit, or revoke the person's license or permit, or may fine or impose appropriate conditions on the license or permit to ensure that the goals for expenditures and assignments to minority and women's business enterprises are met. However, if a determination is made that a permit holder has failed to demonstrate compliance with this chapter, the person has ninety (90) days from the date of the determination of noncompliance to comply.

As added by P.L.233-2007, SEC.21.

IC 4-35-11-8

Certification procedure

Sec. 8. The commission shall establish and administer a unified certification procedure for minority and women's business enterprises that do business with permit holders on contracts for goods and services or contracts for business.

As added by P.L.233-2007, SEC.21.

IC 4-35-11-9

List of certified enterprises

Sec. 9. The commission shall supply permit holders with a list of minority and women's business enterprises the commission has certified under section 8 of this chapter. The commission shall review the list at least annually to determine the minority and women's business enterprises that should continue to be certified. The commission shall establish procedures for challenging the designation of a certified minority and women's business enterprise. The procedure must include proper notice and a hearing for all concerned parties.

As added by P.L.233-2007, SEC.21.

IC 4-35-11-10

Rules

Sec. 10. The commission shall adopt other rules necessary to interpret and implement this chapter.

As added by P.L.233-2007, SEC.21.